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असाधारण

EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF COMMERCE

### NOTIFICATIONS

*New Delhi, the 5th August 1967*

S.O. 2661.—In exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) and after previous publication as required by rule 11 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby—

- (1) notifies that paints and allied products shall be subject to quality control and inspection prior to their export;
- (2) specifies the type of quality control and inspection in accordance with the Export of Paints and Allied Products (Quality Control and Inspection) Rules 1966 as the type of quality control and inspection which would be applied to such paints and allied product; prior to their export;
- (3) recognises—
  - (a) the specifications of the export contract as agreed upon between the buyer and the seller, and
  - (b) in the absence of any specifications as mentioned in sub-item (a), the relevant specification used by the manufacturer/seller as having been contracted for by the buyer.
- (4) prohibits the export, in the course of international trade, of such paints and allied products unless the same are accompanied by a certificate issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that such paint and allied products are export-worthy.

2. Nothing in this notification shall apply to the *bona fide* export by land, sea or air of samples of paints and allied products to prospective buyers.

3. In this notification, 'paints and allied products' shall mean—

- (i) ready-mixed paints and enamels of all types, including primers, fillers, under-coating and finishing;
- (ii) varnishes of all types (prepared from natural resins or synthetic resins or both);
- (iii) plastic emulsion paints of all types;
- (iv) nitrocellulose lacquers, clear or pigmented including fillers, primers/surfacers;
- (v) paste paints and paste distempers.

[No. 60(128)Exp. Insp/65.]

**S.O. 2662.**—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely—

1. **Short title and commencement.**—(1) These rules may be called the Export of Paints and Allied Products (Quality Control and Inspection) Rules, 1967.

(2) They shall come into force on the 1st September, 1967.

2. **Definition.**—In these rules, unless the context otherwise requires,—

- (a) "Agency" means any Export Inspection Agency established at Cochin, Madras, Calcutta, Bombay and Delhi under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (b) "Paints and allied products" means
  - (i) ready-mixed paints and enamels of all types, including primers, fillers, under-coating and finishing;
  - (ii) varnishes of all types (prepared from natural resins or synthetic resins or both);
  - (iii) plastic emulsion paints of all types;
  - (iv) nitrocellulose lacquers, clear or pigmented including fillers, primers/surfacers; or
  - (v) paste paints and paste distempers.

2. **Quality Control and Inspection.**—(1) The quality of the paints and allied products aforesaid shall be ensured by means of exercising the following controls at different stages of their manufacture together with the levels of control as given in the Schedule to this notification, namely,—

- (1) **Purchase raw materials Control.**—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used.
- (b) The accepted consignments shall be either accompanied by the supplier's test or inspection certificate corroborating the requirements of the purchase specifications, in which case occasional checks at least once in ten consignments shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificates, or, the purchased materials shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house.
- (c) The sampling for inspection or tests to be carried out shall be based on a recorded investigation.
- (d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials for disposal of rejected materials.
- (e) Adequate records in respect of the aforesaid controls shall be regularly and systematically maintained.
- (ii) **Process Control.**—(a) Detailed process specifications for different processes of manufacture of raw materials, and intermediate products, if any, shall be laid down by the manufacturer along with the properties of the raw materials and intermediate products.

- (b) Equipment, instrumentation and facilities shall be adequate to control the process as laid down in the process specifications.
- (c) Adequate records shall be maintained to enable verification of the controls exercised during the process of manufacture.
- (iii) *Product Control*.—(a) The manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities to test the product as per the specifications recognised under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
- (b) A representative sample shall be drawn from each batch. The bulk sample shall be divided into two equal test samples. One such test sample shall be tested by the manufacturer for the requirements of the product and the other preserved as referee sample along with its particulars for at least six months.
- (c) Adequate records in respect of sampling and tests carried out shall be regularly and systematically maintained.
- (iv) *Packing Control*.—A packing specification shall be laid down with a view to satisfying the controls mentioned in the Schedule to this notification for packing the aforesaid product and shall be rigidly implemented.

(2) *Inspection*.—The inspection of paints and allied products intended for export shall be carried out with a view to ensure that the controls mentioned in sub-rule (1) have been exercised at the relevant levels satisfactorily and the paint and allied products conform to the standard specifications applicable to it.

**4. Procedure of Inspection.**—(1) The exporter or manufacturer shall give intimation in writing to the Agency and submit along with such intimation a declaration that the consignment of paints and allied products has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for this purpose.

(2) The exporter or manufacturer shall also furnish to the Agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises.

(4) On receipt of the intimation and declaration under sub-rule (1), the Agency on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality controls to manufacture the paints and allied products according to the controls mentioned in rule (3) shall, within three days or earlier in emergent cases, issue certificate declaring the consignment as export-worthy.

**5. Place of inspection.**—Every inspection under these rules shall be carried out at the premises of the manufacturer.

**6. Inspection fee.**—Subject to a minimum of Rs. 20 for each consignment, a fee at the rate of 50 paise for every one hundred rupees of F.O.B. value of each such consignment shall be paid by the exporter to the Agency as fee for inspection under these rules.

**7. Appeal.**—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (4) of rule 4 may, within ten days of receipt of the communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than three persons, appointed for the purpose by the Central Government, by notification.

(2) Any notification under sub-rule (1), may provide for different panels in respect of different Agencies and for any matter relating to the procedure for the conduct of business and other incidental matters

(3) The decision of the panel of experts appointed under sub-rule (1) on such appeal shall be final.

**8. Repeal and Saving.**—(1) The Export of Paints and Allied Products (Inspection) Rules, 1967, is hereby repealed.

(2) The report of the rules under sub-rule (1) that is without prejudice to the validity of anything done or any action taken under the said rules.

## THE SCHEDULE

*Paint and Allied Products*

## (1) Levels of Control

Sl. No.	Requirement	Reference	No. of Samples	Frequency	Remarks
1	Consistency . . . . .	Standard Specifications recognised for the purpose	One	Per batch	Wherever applicable
2	Drying time . . . . .	"	"	"	"
3	Finish . . . . .	"	"	"	"
4	Weight per litre/gallon . . . . .	"	"	"	"
5	Colour . . . . .	"	"	"	"
6	Scratch hardness . . . . .	"	"	"	"
7	Flexibility and adhesion . . . . .	"	"	"	"
8	Acid value/Acidity . . . . .	"	"	"	"
9	Alkalinity . . . . .	"	"	"	"
10	Electric Strength . . . . .	"	"	"	"
11	Protection against corrosion under conditions of condensation . . . . .	"	"	"	"
12	Leaching rate test . . . . .	"	"	"	"
13	Toxicant availability test . . . . .	"	"	"	"
14	Volatile matter . . . . .	"	"	"	"
15	Ageing . . . . .	"	"	"	"
16	Effect of oil . . . . .	"	"	"	"
17	Flash point . . . . .	"	"	"	"
18	Covering capacity . . . . .	"	"	"	"
19	Other tests . . . . .	"	"	"	"

(2) The requirements of the packing specifications shall be as given below:

- 2.1. The package and containers shall be well finished and have a good presentability.
- 2.2. The containers shall be leakproof and of sufficient strength to withstand handling during transit.
- 2.3. The inner containers within the package, shall be so packed as to avoid collisions amongst them.
- 2.4. The following information shall be given on each container or the level applied to it:
  - (a) Name of the manufacturer and trade mark, if any.
  - (b) Name and description of the material.
  - (c) Quantity of the material in the container.
  - (d) Batch number.

[No. 60(128)Exp. Insp/65.]

**S.O. 2663.**—In pursuance of rule 7 of the Export of Paints and Allied Products (Inspection Rules 1967, the Central Government hereby appoints the persons mentioned in column (2) of the Table below as the panel of experts for the purpose of hearing appeals under the said rule against the decision of the Export Inspection Agency, mentioned in the corresponding entry in column (1) thereof:

Provided that where a member of any of the said panels is personally interested in the subject-matter of any appeal, he shall not take part in the proceedings relating to that appeal.

## THE TABLE

Authority against whose decision appeal lies	Persons constituting the panel of experts to which appeal lies
(1)	(2)
I. Export Inspection Agency, Calcutta carrying out inspection in the areas covered by the States/Union territories of Assam, West Bengal Bihar, Orissa, Nagaland, Manipur, Tripura and NEFA.	<p>1. Shri P. C. Chanda, P. C. Chanda &amp; Company Ltd., P-2, Mission Row Extension, Calcutta-1. . . . . Chairman</p> <p>2. Shri M. N. Rao, British Paints (India) Ltd., 32, Chowringhee Road, Calcutta-16.</p> <p>3. Shri M. M. Mehra, Shalimar Paints Limited, P.O. Botanic Garden Goabaria, Howrah-3.</p> <p>4. Shri A. S. Khanna, Alkali &amp; Chemicals Corporation of India Ltd., Rishra, Hooghly.</p> <p>5. Shri R. G. Goel, Hoyle's Paints Limited, 18, Rabindra Sarani, Calcutta-1.</p> <p>6. Shri R. C. Dasgupta, Deputy Director (Chemicals), National Test House, 11/1, Judge's Court Road, Calcutta-27.</p> <p>7. Assistant Director (Chemicals), Ex-officio, Export Inspection Council, 14/1B, Ezra Street, Calcutta-1.</p> <p>8. The Deputy Director (Chemicals), Ex-officio, Export Inspection Council, 14/1B, Ezra Street, Calcutta-1. . . . . Convener</p>
II. Export Inspection Agency, Bombay carrying out inspection in the areas covered by the States/Union territories of Maharashtra, Gujarat, Madhya Pradesh and Goa.	<p>1. Shri W. E. Norris, Goodlass Nerolac Paints, 'Forbs Buildings' Home Street, Fort, Bombay-1 . . . . . Chairman</p> <p>2. Shri B. V. Dalal, Mercury Paints &amp; Varnishes Ltd., Agar Bazar, Off. Cadell Road, Bombay-28.</p> <p>3. Shri C. J. Bhumkar, Asian Paints (India) Pvt. Ltd., Agra Road, Bhandup, Bombay-78.</p> <p>4. Shri D. D. Wagh, Blundel Eomite Paints Ltd., 1st Victoria Cross Lane, Bombay-10.</p> <p>5. Prof. S. P. Potnis, Deptt. of Chemical Technology, Bombay University, Matunga, Bombay.</p>

(1)	(2)
<p>III. Export Inspection Agency, Delhi carrying out inspection in the areas covered by the States/ Union territories of Uttar Pradesh, Rajasthan, Punjab, Haryana, Delhi, Chandigarh, Himachal Pradesh and Jammu and Kashmir.</p>	<p>6. Shri S. K. Bose, Deputy Director (Chemicals), National Test House, Gautam Building, Zakaria Bunder Road, Bombay-15.</p> <p>7. The Assistant Director (Chemicals), Ex-officio, Export Inspection Council, 'Harchandrai House' 1st Floor, 81, Queen's Road, Bombay-2.</p> <p>8. The Deputy Director, Ex-Officio, Export Inspection Council, 'Harchandrai House', 1st Floor, 81 Queens Road, Bombay-2. . . . . Convener.</p>
<p>5. Export Inspection Agency, Madras and Cochin carrying out inspection in the areas covered by the States/Union territories of Madras, Pondichery, Mysore, Andhra Pradesh and Kerala.</p>	<p>1. Dr. R. K. Sud, Nagrath Paints Pvt. Ltd., 46, Fazaiganj, P.O. Box. No. 241, Kanpur. . . . . Chairman.</p> <p>2. Shri N. Nath, Chemichrome Industries Pvt. Ltd., 84/79 G. T. Road, Kanpur.</p> <p>3. Shri A. C. Gupta, Harcourt Butler Technological Institute, Kanpur.</p> <p>4. The Development Officer (Paints), Ex-Officio, Directorate General of Technical Development, Ministry of Industrial Development and Company Affairs, New Delhi.</p> <p>5. The Deputy Director (Quality Control), Ex-officio, Ministry of Commerce, Government of India, 'Udyog Bhavan', New Delhi-11. . . . . Convener.</p> <p>1. Dr. D. Venkateswarlu, Deptt of Chemical Engineering, Indian Institute of Techno- logy, P. O. Madras I.I.T., Madras-36 . . . . . Chairman.</p> <p>2. Dr. K. T. Achya, Regional Research Laboratory, Hyderabad.</p> <p>3. Shri T. K. S. Mani, Addison Paints &amp; Chemicals Ltd., Hazur Gardens, Sembiam, Madras-11.</p> <p>4. The Deputy Director (Export Promo- tion), Ex-Officio, Office of the Joint Chief Controller of Imports &amp; Exports, P.O. Box No. 1842 Madras-1.</p> <p>5. Dr. M. S. Patel, The State Trading Corporation of India Ltd., 123, Mount Road, Madras-6. . . . . Convener</p>

2. The quorum of the panel shall be three.

**S.O. 2664**—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce No S.O. 3881, dated 17th December 1966, namely:—

(1) In the said notification, for the existing Schedule the following Schedule shall be substituted, namely:—

**THE SCHEDULE**

1. Ready-mixed paints and enamels of all types, including primers, fillers under-coating and finishing.
2. Varnishes of all types (prepared from natural resins or synthetic resins or both).
3. Plastic emulsion paints of all types.
4. Nitrocellulose lacquers, clear or pigmented including fillers, primers/surfacers.
5. Paste paints and paste distempers

[No. 60(128)Exp.Insp/65.]

A. C. BANERJEE, Jt. Secy.

